

WHAT IS AN ACCESSORY STRUCTURE?

The City of Port Orange considers an accessory structure to be anything permanently built or assembled on a person's property in addition to the principal structure on that same lot. Examples of accessory structures include storage sheds, fences, swimming pools, and carports.

WHERE MAY ACCESSORY STRUCTURES BE LOCATED?

Because there are many different kinds of accessory structures, the permitted location of each type of structure on a piece of property is different. Each type of structure has its own special setback requirements. The setback is the minimum distance from a person's property line within which a structure may be placed.

In order to preserve the scenic views from lots bordering on waterways, golf courses, or other common open space areas, the City Council has enacted special setback requirements in addition to those already in place. On these "atypical" lots, certain accessory structures are prohibited in the required rear yard [Ord. No. 2001-84]. The following table shows the setback required for different types of structures. (Notes 1-7 provide additional information).

<u>Type of Structure</u>	<u>Special Setbacks</u>
Air conditioning unit (1)	3.5 feet into yard
Antenna, tower (2)	15 feet
Antenna, dish (2), (3), (7)	10 feet
Awning (1)	3 feet into yard
Balcony, open three sides (1)	5 feet into yard
Barbecue pit, residential (2) 10 feet	
Boat dock/boathouse	*
Canopy, commercial (3):	
Bank drive-through	5 feet – side

<u>Type of Structure</u>	<u>Setback</u>
Gasoline pump island	5 feet - side
Other	5 feet - side
Carport, residential (3) (attached or freestanding)	5 feet - side 15 feet - rear
Clothesline (5), (7)	5 feet
Deck, wood (2), (6) (less than one foot above grade)	5 feet
Deck, wood (2), (3) (greater than one foot above grade)	5 feet **
Driveway, residential A	5 feet
Driveway, residential A: Expansion of existing drive (w/pervious & nonpermanent surface)	2.5 feet
Fireplace and chimney (2)	3 feet into yard
Fuel storage tank (2), (7) (aboveground) Residential zones	10 feet
Outdoor play equipment (7)	7.5 feet - rear
Overhang (1)	3 feet into yard
Patio, at grade (2)	5 feet
Pool, swimming (2), (4)	8 feet
Porch: Entry (less than 12 s.f.)	3 feet -into front or rear yard
Covered, open three sides	15 feet - rear
Screen room, open ****	15 feet - rear
Screen pool enclosure (2)	5 feet
Sill, window	1 foot into yard
Storage building (2), (7): Residential uses (120 s.f. or less)	5 feet
Residential uses (121 to 250 s.f.)	10 feet
Nonresidential uses (250 s.f. or less)	10 feet
Tennis court, residential (2)	10 feet
Treehouse (2)	***
Window, bay (3), (1)	3 feet into yard
Wingwalls (1)	3 feet into yard

- * Refer to chapter 9, Article III, Shoreline Protection Regulations
- ** Setback = 5 feet from property line, plus 2 feet for every 1 foot above grade
- *** Setback = 1 foot for every 1 foot above grade, minimum 7.5 feet
- ****Roof open three sides or open two sides if dwelling is not parallel to rear lot line

NOTES:

- (1) In no case shall the special setback exceed 50 percent of the minimum yard dimension.
- (2) Location within required yards permitted in rear and side yards only.
- (3) Setback shall be measured from the leading vertical edge of the structure. Where the structure is movable, creating an adjustable vertical edge, the setback dimension shall be measured from the greatest possible vertical edge.
- (4) Structures elevated and attached to the top of aboveground pools shall be set back in accordance with the special setback provisions established for decks in this section.
- (5) Location within required yards permitted in rear yards only. Structures may be allowed in side yards provided they are screened from public view by an opaque fence.
- (6) Location within the side corner yard is allowed, provided that the deck is screened by an opaque fence.
- (7) Location within the required rear yard is prohibited on an atypical lot if structure is greater than four (4) feet in height.

HEIGHT REQUIREMENTS

Some of the taller accessory structures, such as antenna towers, chimneys, and treehouses, have special height restrictions in addition to the setback limits. Please see a planning staff member for details.

FENCES AND WALLS

Fences and walls are considered accessory structures. Their permitted location and allowable height depend on the property's zoning and whether the property is classified as 'atypical'.

Generally, no permanent fence or wall shall exceed six (6) feet in height in side or rear yards, or four (4) feet in height in required front or side yards abutting rights-of-way. Additionally, opaque fences and walls shall not exceed four (4) feet in height when erected on an atypical lot within the required rear yard.

WHAT STEPS ARE REQUIRED TO BUILD AN ACCESSORY STRUCTURE?

If you meet the City's setback and/or height requirements, you may apply for a Building Permit. If there are no problems with the application, and a preliminary inspection is not necessary, you will be issued a permit. Once your permit has been issued, you may begin construction at any time. Construction must be finished within six months, or else you must reapply for the building permit. Before you decide to build or assemble an accessory structure on your property, please contact the Department of Community Development. Planning and Building Division staff members will be available to answer any questions you may have.

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YOUR GUIDE TO

ACCESSORY STRUCTURES

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